

### **REMARKS**

In the outstanding Final Office Action mailed October 10, 2006, claims 1–38 and 45–50 are pending and stand rejected. Claims 1–38 and 45–50 stand rejected under 35 U.S.C. 112, first paragraph. Claims 1–38 and 45–50 also stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,683,885 to Sugai et al. (“Sugai”) in view of U.S. Patent No. 6,216,167 to Momirov (“Momirov”). Applicants traverse the rejections, cancel claim 35, and amend claims 1, 4–8, 10–12, 14, 16–19, 21–30, 32–34, 36, 38, 45–49 to improve form. Applicants request reconsideration in view of the above amendments, the following remarks and the enclosed Request for Continued Examination.

Applicants appreciate the time given to the undersigned by Examiner Boutah during the telephonic interview conducted on February 15, 2007. During the interview, amended independent claim 1 was discussed in relation to the pending § 112 rejection. According to the rejection, the term "output queue," recited in a number of the claims, was not disclosed in the application. In the amendments included herein, the term "output queue" is replaced with the term "transmission queue." Examiner Boutah agreed that that the term "transmission queue" was adequately supported in the specification (see e.g., paragraph [0049] and Figure 2). Applicants therefore request reconsideration and withdrawal of the § 112 rejections of claims 1–38 and 45–50.

#### **Independent Claim 1 Patently Distinguishes Over Any Combination Of Sugai and Momirov**

The combination of Sugai and Momirov fails to teach or suggest each and every element of amended independent claim 1, as is required to set forth a prima facie case of obviousness. Amended independent claim 1 recites a method in which a first network interface is identified for transmitting a first data unit and storing the data unit in a transmission queue associated with the first network interface. The claim further recites that subsequent to such storage, a second network interface is identified for transmitting the first data unit. If the second interface is different from the first interface, i.e., if it is determined that the data unit should be transmitted from a different network interface than the network interface to which it was previously assigned for transmission, the first data unit is forward to the second network interface for transmission. Both references fail

to describe, teach, or suggest forwarding a data unit stored in a transmission queue associated with a first network interface to a second network interface in response to a determination that the second network interface should be used to transmit a data unit instead of the first.

The Final Office Action concedes that Sugai fails to identify a second network interface for transmitting a first data unit after that data unit is already stored in an output queue associated with a network interface. See Final Office Action at Page 4. Thus, Sugai also fails to describe, teach, or suggest forwarding the data unit to another network interface in response to a determination that a different network interface should be used to transmit the first data unit.

Momirov fails to cure the deficiency in Sugai. The Final Office Action asserts that Momirov describes a process in which a data unit (referred to in Momirov as a "cell") is transmitted to an output port after previously having been stored in an output queue. See Final Office Action at Page 4. Momirov, does not, however, describe forwarding a packet to second network interface if, subsequent to the storage of the packet in a transmission queue associated with a network interface, it is determined that a second network interface is to be used to transmit the packet. In contrast, in Momirov, if a determination is made that a port interface device (PID) is inappropriate for transmitting a cell, that cell is discarded. See Figure 8 (steps 850 and 860) and Figure 9 (steps 950 and 960). The cell is not forwarded to a second network interface. This however, is the explicit subject matter of independent claim 1.

As neither reference teaches or suggests this subject matter, no reasonable combination of the references could result in the claimed method. Therefore, Applicants request reconsideration and withdrawal of the § 103 rejection of amended independent claim 1. Amended independent claims 14, 25, 26, 32, and 38 recite similar subject matter as amended independent claim 1. Therefore Applicants request reconsideration and withdrawal of the § 103 rejections of independent claims 14, 25, 26, 32, and 38. Claims 2–13, 15–24, 27–31, 33, 34, 36, and 37 depend, directly or indirectly, from independent claims 1, 14, 26, and 32, respectively, and add further limitations thereto. Therefore, Applicants request reconsideration and withdrawal of the § 103 rejections of these claims, too.

Independent claim 45 also patently distinguishes over the cited references. Claim 45 recites a method for transmitting data units that includes placing a data unit in a transmission queue associated with a network interface. When the data unit reaches the front of the queue, the method includes identifying one or more network interfaces via which the data unit is to be transmitted. The data unit is then placed at the head of the transmission queues associated with the identified network interfaces.

Neither Sugai nor Momirov describe placing a data unit at the head of one or more transmission queues associated with corresponding network interfaces after the data unit has first been placed in, and reached the front of a transmission queue associated with a network interface. The Action concedes that Sugai fails to describe this subject matter. Momirov fails to cure this deficiency in Sugai. In Momirov, after a cell is placed in an output queue associated with a PID, no further determination is made as to what network interfaces should be used to transmit the cell. Thus, Momirov fails to describe placing a data unit at the head of output queues after the data unit has already reach the front of an output queue associated with a network interface. This however is the explicit subject matter of independent claim 45.

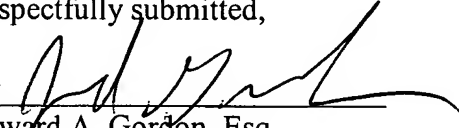
Therefore, Applicants request reconsideration and withdrawal of the § 103 rejection of claim 45. Claims 46–50 depend on claim 45 and add further limitations thereto. Thus, Applicants request reconsideration and withdrawal of the § 103 rejections of these claims, too.

In view of the above amendment, Applicants believe the pending application is in condition for allowance.

Applicants believe no fee is due with this response other than as indicated on the enclosed Amendment Transmittal. However, if a fee is due, please charge our Deposit Account No. 18-1945, under Order No. BBNT-P01-248 from which the undersigned is authorized to draw.

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Respectfully submitted,

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